

REMARKS

Claims 1-28 are pending and stand rejected. Claims 1, 2, 6, 7, 10, 14-16, 18-21, and 27-28 have been amended to improve clarity. The amended claims do not add new matter and are supported by the original specification. Claim 17 has been cancelled. Upon entry of this amendment, claims 1-16 and 18-28 will be pending.

Reconsideration of the present application is respectfully requested in light of the amendments and remarks given below.

Rejection of Claims 1-12, 14-26, and 28 under 35 U.S.C. § 103(a) over Fogelman in view of Crowell

At page 2, paragraph 3 of the Office Action, claims 1-12, 14-26, and 28 were under 35 U.S.C. §103(a) as obvious based on the combination of US Pat. No. 4,440,457 to Fogelman et al. (“Fogelman”) and US Pat. No. 6,357,718 to Crowell et al. (“Crowell”).

For at least the following reasons, Applicant respectfully submits that the presently amended claims of the patent application are nonobvious under §103 because the cited references, whether taken alone or in combination, fail to disclose, teach, or suggest every element recited in the presently amended claims as described in more detail below.

Applicant’s claim 1, as amended, recites:

1. (Currently amended) An adjustable monitor support comprising:
a support structure configured to support a monitor; and
a plurality of jack screw assemblies configured to adjustably secure the monitor to the support structure, **wherein each of the plurality of jack screw assemblies comprises a jack screw and nut, wherein the jack screw comprises a shoulder, and wherein the nut is configured to be threaded onto the jack screw, wherein adjustment of a position of the shoulder changes a position of the monitor.**

First, none of the cited references teach, disclose, or suggest *a jack screw that comprises a shoulder*. Generally, Cromwell generally describes a jackscrew insert and a jackscrew machining tool. Cromwell also generally describes a jackscrew 136 for use with the jackscrew insert. The jackscrew 136 in Cromwell, however, does not have a shoulder. As illustrated in Fig. 3, reproduced below, the jackscrew 136 completely lacks any type of “shoulder” configuration:

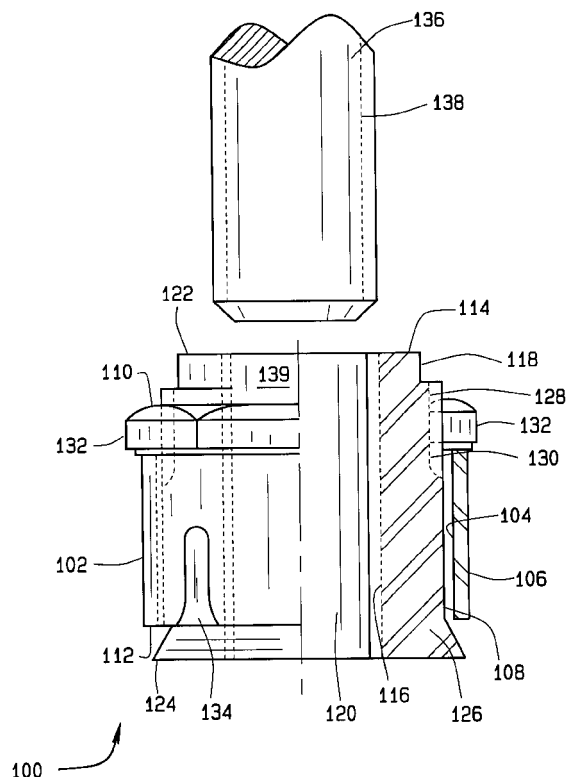


FIG. 3

Fogelman, the other cited reference in the combination, also fails to teach, describe, or suggest a jackscrew with a shoulder. In fact, as conceded by the Office Action, Fogelman fails to provide any disclosure regarding jackscrew assemblies. *See* Office Action, p. 2, ¶3. The Office Action suggest that “it would have been obvious to one skilled in the art at the time of the invention was made to utilize the jackscrew assembly, as disclosed in Crowell, to secure the monitor to the support structure as disclosed in Fogelman in order to allow for the proper positioning and alignment of the monitor.” *See id.* p. 3. Even if this combination was made, however, the proposed combination does not teach or suggest all of the features of Applicant’s claim 1. Therefore, Applicant respectfully submits that on this basis alone claim 1 is non-obvious and patentable over Fogelman and Crowell, taken alone or in combination, because these references fail to disclose, teach, or suggest each of the elements recited in claim 1.

Second, none of the cited references teach, disclose, or suggest *a nut that is configured to be threaded onto the jack screw*. To the extent that Cromwell may generally describe the use of a nut in its jackscrew assembly, the nut is a “jam nut” that engages with jam nut threads 128 on a

second member 114 (*See* 132, Fig. 3 above). The use of the jam nut 132 is used to connect a first member 102 to second member 114:

First member 102 is concentric with second member 114 and further includes at least one **jam nut 132** which extends from first member 102 to second member jam nut threads 128 on second member outside surface 118. First member 102 is connected to second member 114 by **jam nut 132** which threadedly engages second member 114 at jam nut threads 128.

Cromwell, col. 3, lines 1-7 (emphasis added). Cromwell provides absolutely no teaching, suggestion, or disclosure regarding threading jam nut 132 onto the jackscrew 136.

As provided above, Fogelman fails to specify the use of jackscrews and therefore it follows that this reference also fails to describe the use of a nut threaded onto a jackscrew. The addition of Fogelman does not, and is not purported to, correct the deficiencies of Crowell. Accordingly, the combination of Fogelman and Crowell does not render Applicant's claim 1 obvious, because the cited references fail to disclose, teach, or suggest every element recited in the presently amended claims.

Third, none of the cited references teach, disclose, or suggest *adjustment of a position of the shoulder changes a position of the monitor*. Since Cromwell fails to provide any disclosure regarding a jackscrew with a shoulder, this reference cannot, and does not, provide any disclosure regarding adjustment of a monitor position through adjustment of the shoulder.

Furthermore, Fogelman, fails to provide any teach, disclosure, or suggest adjusting the position of the monitor through adjustment of a shoulder. To the contrary, the monitor in Fogelman is fixedly mounted to a mounting frame in a known position at a known desired angle. Specifically, the monitor is "mounted at a slight angle to the vertical to provide a more comfortable or easy viewing position. The monitor is mounted a convenient height that is a compromise to permit viewing by full grown adults as well as children." Fogelman, Col. 3, line 66 – Col. 4, line 2. Fogelman provides absolutely no disclosure regarding adjusting this viewing angle or position through movement of a shoulder on a jack screw. Instead, to the extent that the orientation of the monitor in Fogelman may be changed, the monitor and the mounting frame have to be removed, rotated or reoriented, and replaced. Fogelman, col. 3, lines 50-53. Therefore, Applicant respectfully submits that claim 1 is non-obvious and patentable over Fogelman and Crowell, taken alone or in combination, because these references fail to disclose, teach, or suggest each of the elements recited in claim 1.

Claims 2-5 and 28 depend from claim 1 and should be allowable at least for the same reasons as presented above.

Separately and independently, claim 28 recites:

28. (Currently amended) The adjustable monitor support of claim 5, further comprising:
 an open aperture in a door through which the monitor is visible when the door is in a closed position,
 wherein the jack screw is configured to allow the relative position between the monitor and the aperture to be adjusted so that the monitor is within a predetermined desired distance of the aperture in the door.

Fogelman teaches Fogelman teaches “protective glass” or plexiglass sheet 40 attached to the body of the machine for proper operation, in particular to protect the video screen and prevent access to it. *See* Fogelman, col. 4, lines 3-4. In addition to providing protection for the internal elements, the “protective glass” also holds a graphic display panel in place. *See id.* Col. 6, lines 34-43. In this particular embodiment, a “protective glass receiving groove 156” receives the protective glass and it is held into place with a lip. *See id.* Col. 6, lines 34-43. Making the combination proposed in the Office Action, if an open aperture was used, as recited by claim 14, would render Fogelman unsatisfactory for its intended purpose and would destroy the intended function and principle of operation disclosed by Fogelman. Therefore, it is improper to either make the combination of Fogelman and Crowell or modify Fogelman to arrive at the subject matter recited in claim 14. Therefore an ordinary artisan would not modify the apparatus of Fogelman to arrive at the claimed invention because Fogelman teaches away from making such modification and Fogelman cannot be relied upon to support a *prima facie* case of obviousness.

Claims 6, was amended in a manner similar to claim 1. It should be allowable for reasons similar to those given above for claim 1. Claims 7-9 and 12-13 depend from claim 6 and should therefore be allowable for at least the same reasons.

Claims 10 and 11 are improperly rejected, because they depend from claim 27; the Office Action admits that Fogelman and Crowell do not teach all the features of claim 27, therefore claim 10 and 11 also should be allowable over Fogelman and Crowell.

Claim 14, as amended, recites:

14. (Currently amended) An adjustable monitor support comprising:
a support structure configured to support a monitor; and
jack screw means for securing the monitor to the structure at at least two points, wherein the screw means are configured to be separately rotatably adjustable at each of the at least two points, **the screw means further configured to allow the position of the monitor relative to an open aperture in a door to be adjusted so that the gap between the monitor and the open door aperture is less than a predetermined value, wherein the jack screw means comprises a shoulder, wherein adjustment of a position of the shoulder changes a position of the monitor; and**
a nut, wherein the nut is configured to be threaded onto the jack screw means.

First, Applicants submit that claim 14 was amended in a manner similar to claim 1, and for analogous reasons, Applicant respectfully submits that claim 14 is also non-obvious and patentable over Fogelman and Crowell, taken alone or in combination.

Second, separately and independently, Applicant respectfully submits that to establish a prima facie case of obviousness, all of the teachings of the cited references must be considered, even disclosures that teach away from the claimed invention. *See* MPEP § 2141.02. Thus, if the proposed combination or modification renders the cited references unsatisfactory for their intended purpose or changes the principle of operation of a reference (*see* MPEP § 2143.01), for example, it is improper to make the combination or modification because the references teach away from their combination or modification. *See, e.g.*, MPEP § 2145.

Here, Fogelman teaches away from making the combination alleged in the Office Action because using Fogelman with the recited open aperture would render Fogelman unsatisfactory for its intended purpose and would destroy the intended function and principle of operation disclosed by Fogelman. In Therefore, it is improper to either make the combination of Fogelman and Crowell or modify Fogelman to arrive at the subject matter recited in claim 14.

Applicant respectfully submits that Fogelman actually requires “protective glass” or plexiglass sheet 40 for proper operation. *See* Fogelman, col. 4, lines 3-4. In one embodiment, in addition to providing protection for the internal elements, the “protective glass” also holds a graphic display panel in place. *See id.* Col. 6, lines 34-43. In this particular embodiment, a

“protective glass receiving groove 156” receives the protective glass and it is held into place with a lip. *See id.* Col. 6, lines 34-43.

Accordingly, if an *open* aperture was used, as recited by claim 14, the intended function of Fogelman would be destroyed since there would no longer be a feature to provide the required protection or to hold the graphic display panel in place. Therefore an ordinary artisan would not modify the apparatus of Fogelman to arrive at the claimed invention because Fogelman teaches away from making such modification and Fogelman cannot be relied upon to support a *prima facie* case of obviousness.

Therefore, Applicant respectfully submits that on this additional basis claim 14 is non-obvious and patentable over Fogelman and Crowell, taken alone or in combination, because Fogelman teaches away from modification or combination to arrive at the subject matter recited in claim 14.

Claim 15 and 16 should be allowable for reasons similar to those given above for claim 1. Claims 18 and 19 depend from claim 16 and therefore should be allowable for at least the same reasons.

Claim 20 should also be allowable for reasons similar to those given above for claim 1, as should its dependent claims 21-26.

For at least the above reasons, Applicant respectfully requests the withdrawal of the rejections of claims 1-12, 14-16, 18-26, and 28.

Rejection of Claim 13 under 35 U.S.C. § 103(a) over Fogelman in view of Crowell as applied to claims 6-7 and further in view of Koza

At page 4, paragraph 4 of the Office Action, claim 13 was rejected under 35 U.S.C. §103(a) as being obvious based on the combination of Fogelman, Crowell, and US Pat. No. 4,652,998 to Koza (“Koza”). Koza fails to overcome the shortcomings of Fogelman and Crowell with respect to independent claim 6. Accordingly, on the basis of its ultimate dependency from claim 6, claim 13 is also non-obvious and patentable over Fogelman and Crowell in view of Koza, taken alone or in combination. *See* MPEP 2143.03. Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 13.

Rejection of Claim 27 under 35 U.S.C. § 103(a) over Fogelman in view of Crowell as applied to claim 6 and further in view of Inoue

At page 5, paragraph 5 of the Office Action, claim 27 was rejected under 35 U.S.C. §103(a) as being obvious based on the combination of Fogelman, Crowell, and US Pat. No. 5,609,524 to Inoue (“Inoue”). Inoue fails to overcome the shortcomings of Fogelman and Crowell with respect to independent claim 6. Accordingly, on the bases of its ultimate dependency from claim 6, claims 27 is also are non-obvious and patentable over Fogelman and Crowell in view of Inoue, taken alone or in combination. *See* MPEP 2143.03.

Furthermore, the proposed combination with Inoue is improper for at least reasons similar to those discussed above with respect to claim 28.

Accordingly, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 27.

Miscellaneous

Applicant does not otherwise concede, however, the correctness of the Office Action rejections with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited reference based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences discussed above with respect to the independent claims.

CONCLUSION

All issues raised in the Office Action are believed to have been addressed. In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Commissioner is authorized to charge any fee arising in connection with the filing of this paper, including any necessary extension of time, to the deposit account of **K&L Gates LLP**, Deposit Account No. **0080570**. The Examiner is cordially invited to telephone the undersigned if any issue or question arises with respect to the present application.

Respectfully submitted

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